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Jane A. Walker
Jane A. Walker

April 15, 2004
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Boyce
Serial No.: 10/092,237
Filed: March 6, 2002
Group Art Unit: 1636
Title: **SURGICAL DEVICE FOR SKIN
THERAPY OR TESTING**
Conf. No.: 8680
Examiner: Kaushal
Our Ref. No.: CUT-01

Cincinnati, Ohio 45202

April 15, 2004

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

STATEMENT OF THE SUBSTANCE OF THE INTERVIEW

Applicant acknowledges the Interview Summary mailed March 31, 2004, in the above referenced application. The Summary references the March 25, 2004 Interview, as further acknowledged in applicant's Supplemental Amendment with Declaration, filed and acknowledged as received by the United States Patent and Trademark Office on March 26, 2004.

As required, applicant states that the substance of the Interview was the Office Action mailed October 21, 2003 and applicant's response filed January

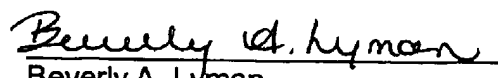
20, 2004. The art discussed was U.S. Patent No. 5,976,878 and Med. Biol. Eng. Comput. 36:791-800, 1998 publication. Applicant's representative and the inventor, as the inventor on the cited patent and the author on the cited publication, distinguished the present invention over the prior art as the Examiner applied the art to the claims.

As discussed during the Interview, applicant filed on the next day a Supplemental Amendment and Declaration providing amendments to the claims clarifying these distinctions and making the distinctions of record. Briefly, the applicant clarified that the claimed device contains distinct populations of dermal and epidermal cells, and that the 1998 publication neither discloses nor enables dermal cells on a biocompatible matrix to form a cellular lamination layer, as the claims require.

Applicant appreciates the Examiner's acknowledgment that agreement with respect to the claims was reached.

Applicant does not believe any fee is due with this submission. However, the Examiner is authorized to charge any fee deficiency to Deposit Account Number 23-3000. The Examiner is invited to telephone the undersigned attorney if there are any questions.

Respectfully submitted,
WOOD, HERRON & EVANS, L.L.P.


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